

Remarks

Applicants thank the Examiner for taking the time to conduct a telephonic interview on September 6, 2006. Applicants have amended the claims consistent with the Examiner's suggestions. Entry of the present amendment and allowance of the subject application, in view of the following remarks, are respectfully requested.

Rejections Under 35 U.S.C. §102

Claims 1, 3, 5, 7, 8, 23, 25, 27, 28, and 29 were rejected under 35 U.S.C. §102(b) as being anticipated by Mochida (U.S. Patent No. 4,473,141). This rejection is overcome for the reasons that follow.

As recommended by the Examiner during the telephonic interview, independent claims 1 and 23 have been amended to more clearly state the relationships between the lever, the plunger and the stationary bearing surface. The claimed relationship of the elements is shown, for example, in FIG. 2, and described, for example, in paragraphs [0023]-[0024] of the application as published. Accordingly, no new matter is believed entered by this amendment.

Independent claim 1, upon which claims 3, 5, 7 and 8 ultimately depend, has been amended to recite, in part, "wherein in said first position of said lever and in said extended position of said plunger, said plunger is disposed between said lever bearing surface and said stationary bearing surface blocking said lever from pivoting to said second position, and in said retracted position of said plunger said lever is not blocked from pivoting between said first position and said second position." Similarly, claim 23, upon which claims 25 and 27-29 ultimately depend, has been amended to recite, in part, "wherein in said first position of said lever and in said extended position of said plunger, said plunger is compressed between said lever bearing surface and said stationary bearing surface blocking said lever from pivoting to said second position, and in said retracted position of said plunger said lever is not blocked from pivoting between said first position and said second position."

Mochida is directed at a shift lever control device, which may "permit the shift lever to be shifted from the reverse position to the park position or vice versa only while a park brake is operative after the engine has been started." Col. 1, l. 61-64. In the automatic transmission, with which the shift control device is used, "selection of one of these transmission modes can be

achieved by shifting the shift lever 4 (in FIG. 1) about the axle 2. The travel of the shift lever 4 is restricted by the pin 13 which moves along the cutout 15 in conjunction with the movement of the shift lever 4.” Col. 4, l. 20-25. The operation of the mechanism for controlling the selection of transmission modes is described in the paragraph at col. 4, l. 46-55 of Mochida, which reads:

“Next, in the case where the parking brake is not in operation, since the first switch 34 is therefore off, no current is passed through the electromagnetic mechanism 29 from the power supply 36, so that the electromagnetic mechanism 29 is deenergized. Accordingly, the plunger member 31 is urged by the elastic force of the spring 33 into contact with the separating surface 24. Therefore, it is impossible to shift the shift lever 4 from the Reverse position (R) to the Park position (P), or vice versa.” (Emphasis added).

Consistent with the foregoing, Mochida does not teach a mechanism in which the plunger (31) is disposed between the pin (13) and the separating surface (24) to prevent the movement of the pin (and therein the shift lever (4)) between the reverse (R) and park (P) regions of the cutout (15). Similarly, the plunger is not compressed between the pin and the separating surface. Rather, the plunger (31) is disposed between the reverse (R) and park (P) regions of the cutout (15) and is merely adjacent to the separating surface (24) and the pin (13). Blocking the movement of the pin (13) results merely from obstructing the pathway of the cutout (15) connecting the reverse (R) and park (P) positions, rather than disposing the plunger between the pin and the separating surface. Furthermore, with regard to the aspect of Mochida depicted in FIGS. 5A and 5B, the pin (13) is actually disposed between the plunger (31) and the separating surface (24). See broken line in FIG. 5B. This is the reverse of the claimed configuration.

In view of the foregoing, it is respectfully submitted that, the plunger of Mochida is never disposed, or compressed, between the separating surface and the pin to block the movement of the pin. Accordingly, because Mochida fails to teach, or even suggest, every aspect of the invention of independent claims, amended independent claims 1 and 23, and claims 3, 5, 7, 8, 25, and 27-29 ultimately depending thereupon, are not anticipated by Mochida. Withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. §103

Claims 2 and 24 were rejected under 35 U.S.C. §103(a) as being obvious over Mochida in view of Dorr et al. (U.S. Patent No. 5,379,872). As discussed above, Mochida fails to teach the invention of either independent claim 1 or 23, upon which claims 2 and 24 respectively depend. Dorr et al. fails to remedy the deficiencies of Mochida with regard to either independent claim 1 or 23. As such, the combined teachings of Mochida and Dorr et al. are insufficient to render the invention of claims 1 or 23, or of claims 2 or 24, obvious. Withdrawal of this rejection upon consideration of the remarks herein is respectfully requested.

Claims 4 and 26 were rejected under 35 U.S.C. §103(a) as being obvious over Mochida in view of Kataumi et al. (U.S. Patent No. 5,421,792). It is respectfully submitted that Kataumi et al. also fails to teach, or even suggest an actuator providing a plunger of a solenoid disposed, or compressed, between a lever bearing surface and a stationary bearing surface to block the pivotal movement of the lever to a second position. As such, the combined teachings of Mochida and Kataumi et al. are insufficient to render the invention of claims 1 or 23, or the invention of claims 4 or 26 obvious. Withdrawal of this rejection is respectfully requested.

Claims 9, 12, and 13 were rejected under 35 U.S.C. §103(a) as being obvious over Mochida in view of Dorr et al. Similar to claim 1, independent claim 9 has been amended to recite, in part, a lever having a lever roller, a stationary roller, and a solenoid comprising a plunger, "wherein said plunger is disposed between said lever roller and said stationary roller in said extended position of said plunger in said first position of said lever, preventing said lever from pivoting to said second position."

As discussed with respect to claim 1, Mochida fails to teach an arrangement in which the plunger is disposed between the lever roller and a stationary roller. Dorr et al. similarly fails to provide any such teaching or suggestion. Accordingly, amended independent claim 9, and claims 12 and 13 ultimately depending thereupon, are not obvious over the combined teachings of Mochida and Dorr et al. Withdrawal of this rejection is, therefore, respectfully requested.

Claim 10 was rejected under 35 U.S.C. §103(a) as being obvious over Mochida in view of Dorr et al. and further in view of Kataumi et al. As discussed above, the combined teachings of Mochida and Dorr et al. fail to teach, or even suggest, every aspect of amended independent claim 9, upon which claim 10 depends. The further consideration of Kataumi et al. fails to remedy the deficiencies of Mochida and Dorr et al. Accordingly, claim 10 is not obvious over Mochida in view of Dorr et al. and Kataumi et al. Withdrawal of this rejection is respectfully requested.

Having overcome all of the outstanding objections and rejections, the application is in condition for allowance. An early allowance of the subject application is respectfully requested.

No additional fees are believed necessitated by this response. However, in the event of any fee deficiencies, or that additional fees are payable, please charge our Deposit Account No. 50-2121 as necessary.

RESPECTFULLY SUBMITTED,

/Donald J. Perreault/

Donald J. Perreault, Reg. # 40,126

Attorney for Applicants
Grossman, Tucker, Perreault & Pfleger, PLLC
55 South Commercial Street
Manchester, NH 03101
Phone: (603)668-6560; Fax: (603)668-2970